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09/727,969	11/30/2000	Peter Madany	83000.1124/P4068/MG	5856
32291	7590	01/26/2005	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			LIN, KENNY S	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/727,969

Applicant(s)

MADANY ET AL.

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-28 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al (hereinafter Lambert), US 6,363,478, in view of Rubin et al (hereinafter Rubin), US 5,809,140.
4. As per claim 1, Lambert taught the invention substantially as claimed including a system comprising:
  - a. At least one server configured to execute at least one session, said at least one session comprising data associated with a user (col.1, line 67, col.2, lines 1-7, col.2, lines 44-50, 55-60, 66-67, col.3, lines 62-65, col.4, lines 3-5, 27-33);
  - b. At least one client coupled to said at least one server, wherein said at least one client obtains said at least one session from said at least one server (col.1, line 67, col.2, lines 1-7, col.3, lines 62-65, col.4, lines 3-5, 27-41).

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5. Lambert did not specifically disclose that the client is a stateless client. Rubin taught that the client that communicates with the server maybe implemented as stateless client (e.g., host processor which include a processor, a memory, a card interface for communicating with smart card; abstract, col.3, lines 20-23, line 67, col.4, lines 1-2, col.5, lines 49-65, col.6, lines 6-20; host 20-i). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert and Rubin because Rubin's teaching of using stateless computer as the client computer in initiating sessions with the server enables devices with limited processing capabilities and memory to establish sessions with the server in Lambert's system.

6. As per claim 2, Lambert and Rubin taught the invention substantially as claimed in claim 1. Lambert further taught that wherein said at least one server maintains at least one state wherein said at least one state is associated with said at least one session and wherein said at least one server uses said at least one state to determine said session data to transmit to said at least one stateless client (col.1, line 67, col.2, lines 1-7, col.3, lines 3-8, 62-65, col.4, lines 3-5, 27-41);

7. As per claim 3, Lambert and Rubin taught the invention substantially as claimed in claim 2. Lambert further taught that wherein said at least one client further comprises at least one user identification input for providing identification of said at least one user to said at least one server (col.2, lines 44-56).

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8. As per claim 8, Lambert and Rubin taught the invention substantially as claimed in claim 3. Lambert further taught that wherein said sessions associated with said state corresponding to said user comprise sessions accessed by a user from any of said at least one stateless clients from which said user's identification is provided to said at least one server (col.2, lines 66-67, col.3, lines 3-8, col.4, lines 30-33).

9. As per claim 9, Lambert and Rubin taught the invention substantially as claimed in claim 1. Lambert further taught that wherein said coupling between said at least one server and said at least one stateless client comprises a network (fig 1).

10. Claims 4-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert and Rubin as applied to claims 1-3 and 8-9 above, and further in view of Zhao, US 6,035,404.

11. As per claim 4, Lambert and Rubin taught the invention substantially as claimed in claim 3. Lambert and Rubin did not specifically teach that where said session comprises graphical data displayed to said at least one user at said at least one stateless client. Zhao taught that the data communicated in a session can be displayed graphically to the stateless client (col.1, lines 22-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Rubin and Zhao because Zhao's teaching of using graphical display benefits Lambert and Rubin's system in displaying graphical or text data communicated in the session.

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12. As per claim 5, Lambert and Rubin taught the invention substantially as claimed in claim 3. Lambert further taught that at least one second stateless client (fig.1) and that one can send identification information to an existing session (col.4, lines 27-33). Lambert and Rubin did not specifically teach that wherein said second stateless client connects to the same said session as said at least one stateless client. Zhao taught to use user identification to establish session (col.2, lines 25-26), provide session management in one that gains access simultaneously under a common identification and enables one to use one user identification to initiate session from multiple client computers with the server (col.1, lines 13-22, 39-46, col.2, lines 21-31, 40-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Rubin and Zhao because Zhao's teachings of concurrent user access control enable Lambert's method to established same session to a second stateless client.

13. As per claim 7, Lambert, Rubin and Zhao taught the invention substantially as claimed in claim 5. Zhao further taught that wherein said at least one server continues to execute said session when said at least one stateless client disconnects from said at least one server (col.3, lines 41-49, col.7, lines 35-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Rubin and Zhao because Zhao's teachings of concurrent user access control enable Lambert's method to continue execute the session even when one client is disconnected by the server.

14. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert and Rubin as applied to claims 1-3 and 8-9 above, and further in view of Hamdi, US 6,205,124.

15. As per claim 6, Lambert and Rubin taught the invention substantially as claimed in claim 3. Lambert and Rubin did not specifically teach that wherein said session data comprises voice data. Hamdi taught to use a digital simultaneous voice and data modem to communicate with the server to handle simultaneous voice and data traffic (col.1, lines 42-67, col.2, lines 1-6, 27-31, col.11, lines 7-28) which enables voice data communication. It would have been obvious to one of ordinary skill in the art at the time the invention was made combine the teachings of Lambert, Rubin and Hamdi because Hamdi's teachings of simultaneous voice and data modem can be implemented the in the client and the server in Lambert and Rubin's method to enable simultaneous voice and data communication and handle voice data.

16. As per claim 10, Lambert and Rubin taught the invention substantially as claimed in claim 9. Lambert and Rubin did not specifically teach that wherein said second network further comprises two directional data communications comprising simultaneous voice and data traffic between said at least one server and said at least one stateless client. Hamdi taught to use a digital simultaneous voice and data modem to communicate with the server to handle simultaneous voice and data traffic (col.1, lines 42-67, col.2, lines 1-6, 27-31, col.11, lines 7-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made combine the teachings of Lambert, Rubin and Hamdi because Hamdi's teachings of simultaneous voice and data modem can be implemented the in the client and the server in Lambert and Rubin's method to enable simultaneous voice and data communication.

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17. Claims 11-14, 16-18, 20-23 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert et al (hereinafter Lambert), US 6,363,478, in view of Zhao, US 6,205,124, and Rubin et al (hereinafter Rubin), US 5,809,140.

18. As per claims 11 and 20, Lambert taught the invention substantially as claimed including a method for providing data to a client comprising:

- a. Obtaining user identification information (col.2, lines 44-50, 55-60, 66-67);
- b. Providing said user identification information to a server (col.2, lines 44-50, 55-60, 66-67);
- c. Initiating a persistent session at said server (col.1, line 67, col.2, lines 1-7, 44-50), wherein said persistent session is associated with said user (col.1, line 67, col.2, lines 1-7, col.3, lines 62-65, col.4, lines 3-5, 27-33);
- d. Associating at least one state with said session on said server (col.3, lines 3-8);
- e. Providing data associated with said session to said user at a first stateless client computer (col.4, lines 27-41).

19. Lambert did not specifically teach to provide said data associated with said session to said user at a second client computer. Zhao taught to use user identification to establish session (col.2, lines 25-26), associating state with session on the server (col.2, lines 13-15, col.4, lines 1-12), provide session management in one that gains access simultaneously under a common identification and enables one to use one user identification to communication from multiple client computer with the server (col.1, lines 13-22, 39-46, col.2, lines 21-31, 40-44). It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert and Zhao because Zhao's teachings of concurrent user access control enable Lambert's method to provide data associated with the established session to a second client computer. Lambert and Zhao did not specifically disclose that the client computer is a stateless computer. Rubin taught that the client computer that communicates with the server maybe implemented as stateless computer (e.g., host processor which include a processor, a memory, a card interface for communicating with smart card; abstract, col.3, lines 20-23, line 67, col.4, lines 1-2, col.5, lines 49-65, col.6, lines 6-20; host 20-i). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Zhao and Rubin because Rubin's teaching of using stateless computer as the client computer in initiating sessions with the server enables devices with limited processing capabilities and memory to establish sessions with the server in Lambert and Zhao's method.

20. As per claims 12 and 21, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 11 and 20. Zhao further taught that wherein said user identification comprises a unique identifier associated with said user (col.2, lines 25-28, col.3, lines 51-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Rubin and Zhao because Zhao's teachings of concurrent user access control enable Lambert's method to provide data associated with the established session to a second client computer using unique identifier.

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21. As per claims 13 and 22, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 12 and 21. Rubin further taught that wherein said unique identifier resides on a smart card (col.3, lines 20-23, 50-52, line 67, col.4, lines 1-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Zhao and Rubin because Rubin's teaching of using stateless computer as the client computer in initiating sessions with the server enables devices with limited processing capabilities and memory, such as a smart card, to establish sessions with the server in Lambert and Zhao's method.

22. As per claims 14 and 23, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 13 and 20. Zhao further taught that wherein said providing data associated with said session further comprises displaying graphical data to said user (col.1, lines 22-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Rubin and Zhao because Zhao's teaching of using graphical display benefits Lambert and Rubin's system in displaying graphical or text data communicated in the session.

23. As per claims 16 and 25, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 12 and 20. Zhao further taught to continue execution of said session when neither said first stateless client computer or said second stateless client computer is being provided data associated with said session (col.7, lines 53-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of

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Lambert, Rubin and Zhao because Zhao's teachings of concurrent user access control enable Lambert's method to continue execute the session until the user logs out of the session.

24. As per claims 17 and 26, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 12 and 20. Zhao further taught to continue execution of said session at said server when said first stateless client disconnects from said server (col.3, lines 41-49, col.7, lines 35-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Rubin and Zhao because Zhao's teachings of concurrent user access control enable Lambert's method to continue execute the session even when one client is disconnected by the server.

25. As per claims 18 and 27, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 12 and 20. Zhao further taught to continue execution of said session at said server when said second stateless client disconnects from said server (col.3, lines 41-49, col.7, lines 35-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Rubin and Zhao because Zhao's teachings of concurrent user access control enable Lambert's method to continue execute the session even when one client is disconnected by the server.

26. Claims 15 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert, Zhao and Rubin as applied to claims 11-12 and 20 above, and further in view of "Official Notice"

27. As per claims 15 and 24, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 12 and 20. Lambert, Zhao and Rubin did not specifically disclose that wherein said session on said server comprises a plurality of processes executing on behalf of said user. Official Notice is taken that it would have been obvious for a session on a server to comprise a plurality of processes on behalf of the user to allow the user to obtain the desire data from the server. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lambert, Zhao and Rubin and further allow users to execute processes on the session to control, select and obtain data through the session.

28. Claims 19 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert, Zhao and Rubin as applied to claims 11-12, 18 and 20 above, and further in view of Hamdi, US 6,205,124.

29. As per claims 19 and 28, Lambert, Zhao and Rubin taught the invention substantially as claimed in claims 18 and 20. Lambert, Zhao and Rubin did not specifically teach that wherein said data associated with said session comprises two directional data communications comprising simultaneous voice and data traffic between said server and said clients. Hamdi taught to use a digital simultaneous voice and data modem to communicate with the server to handle simultaneous voice and data traffic (col.1, lines 42-67, col.2, lines 1-6, 27-31, col.11, lines 7-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made combine the teachings of Lambert, Zhao, Rubin and Hamdi because

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Hamdi's teachings of simultaneous voice and data modem can be implemented the in the client and the server in Lambert, Zhao and Rubin's method to enable simultaneous voice and data communication.

***Response to Arguments***

30. Applicant's arguments filed 4/22/2004 have been fully considered but they are not persuasive.

31. In the remark, applicant argued that: (1) the references fail to suggest or teach a stateless client. The "smart card" disclosed by Rubin reference is not a stateless client as defined or used within the specification of the present application and is not coupled to a server. Hence the references in combination or individually does not disclose or suggest the feature of a stateless client.

32. Examiner traverse the argument that:

33. As to point (1), Rubin taught that the clients are in communication with the server (fig.1). Rubin further taught that the clients (hosts) in communicate with the server are stateless clients that use smart cards (e.g., host processor which include a processor, a memory, a card interface for communicating with smart card; abstract, col.3, lines 20-23, line 67, col.4, lines 1-2, col.5, lines 49-65, col.6, lines 6-20; host 20-i). The smart card can only perform its function when it is used with the client machine, which is in communication with the server. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the

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teachings of Lambert and Rubin because Rubin's teaching of using stateless computer as the client computer in initiating sessions with the server enables devices with limited processing capabilities and memory to establish sessions with the server in Lambert's system.

### *Conclusion*

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl  
January 19, 2005

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